

REMARKS

Claims 1-33 are pending. By way of the above amendment, claims 16-19 and 33 are canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Independent claims 1, 15 and 20 and dependent claims 4, 12, 23, 31 and 33 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,907,397, Kryze et al. ("Kryze"). Independent claim 14 and dependent claims 13, 17 and "33" (but probably claim 32) were rejected under 35 USC 103(a) as being unpatentable over Kryze in view of U.S. Patent Pub. No. 2002/0188391, Takahashi et al. ("Takahashi"). The applicants respectfully traverse the rejections for reasons including the following, which are provided by way of example.

Claim 1 recites, for example:

"when the control unit retrieves a given group of pieces of information ..., the control unit designates a given one from the given group of pieces of information *without receiving any input from the user* for designating one of the given group of pieces of information, *to thereby instantaneously control* the reproducing unit for reproducing the given one designated from the given group." (See also independent claims 14, 15, and 20.)

Consequently, the control unit does the designating *without needing to wait for reception of any input from the user*, and the control is instantaneous. In Kryze, to the contrary:

"Once the temporary play list is constructed, the method ends at 420 by exiting the selection mode and automatically entering a play mode *based on the keyword 'play' in the speech input* received at step 404." (Col. 5, lines 9-13.)

The examiner contends that Kryze's control for reproducing is instantaneous without receiving any input from the user since "once the temporary play list is constructed, the method exits selection mode and automatically enters a play mode" because "the user does not have to select one of the items from the playlist." However, the claim recites that "the control unit designates ... without receiving any input from the user ..., to thereby *instantaneously control* ... for reproducing the given one."

Specifically, Kryze needs to allow time for the user to input the key word "play" and to perform other processing (e.g., S416), whereas the invention recited in claims 1, 14, 15 and 20 can shorten a period for which any information is not reproduced, so that the user's intention that some information be reproduced instantaneously meanwhile is satisfied. (E.g., page 3, lines 20-23.)

The factual determination of anticipation under 35 USC 102 requires the identical disclosure of each element of a claimed invention in a single reference. E.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). Also, the prior art reference must described the recited invention in as much detail as recited in the claim, as would be recognized by a person having ordinary skill in the art. E.g., *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the ... claim"). Claims 1, 15 and 20 are not shown to be identically disclosed in Kryze. Accordingly, the rejection of independent claims 1, 15, and 20 under 35 USC 102 must be withdrawn.

With regard to independent claim 14, Takahashi is cited for the proposition of a computer program product with computer useable medium and instruction groups to achieve the functionality of Kryze. However, Takahashi fails to remedy the deficiencies outlined above with respect to claims 1, 15 and 20.

Accordingly, independent claims 1, 14, 15 and 20 are believed to be patentable over Kryze, Takahashi, and/or the other cited references.

Dependent claims 11, 16, 19, and 30 were rejected under 35 USC 103(a) as being unpatentable over Kryze in view of U.S. Patent No. 5,842,163, Weintraub ("Weintraub"). Dependent claims 2 and 21 were rejected under 35 USC 103(a) as being unpatentable over Kryze in view of JP Pub. No. 08-195070, Fuse ("Fuse"). Dependent claims 3, 5, 22 and 24 were rejected under 35 USC 103(a) as being unpatentable over Kryze in view of JP Pub. No. 11-095788, Kuriki ("Kuriki"). Dependent claims 6, 7, 25 and 26 were rejected under 35 USC 103(a) as being unpatentable over Kryze in view of U.S. Patent Pub. No. 2002/00107740, Kikuchi et al. ("Kikuchi"). Dependent claims 8, 9, 27 and 28 were rejected under 35 USC 103(a) as being unpatentable over Kryze in view of WIPO Pub. No. 01/84539, Swillens et al. ("Swillens"). Dependent claims 10 and 29 were rejected as being unpatentable over Kryze in view of JP Pub. No. 2001-318945, Narita et al. ("Narita"). With respect to these and the other above-mentioned rejected dependent claims, applicants respectfully submit that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

With regard to dependent claims 2 and 21, note that dependent claim 2 recites "wherein the speech recognition unit accepts a subsequent speech after the reproducing unit starts reproducing the given one, and wherein the control unit retrieves a certain subgroup of pieces of

information based on the inputted subsequent speech, wherein the certain subgroup of pieces of information is a subset of the given group, designates a certain one of the certain subgroup, and controls the reproducing unit for stopping reproducing the given one and then instantaneously starting reproducing the certain one instead of the given one. ” (See also dependent claim 21.) Thus, even after starting to reproduce the given one, the subsequent speech is inputted to designate “a certain one of the certain subgroup”. That is, a narrowing-down retrieval to the subgroup takes place.

In Fuse, in contrast, while reproducing a part of a piece of information such as while playing the introduction of the song, a user is required to continue uttering for a complete determination. This fails to teach or suggest designating a certain one of the certain subgroup, as recited in claims 2 and 21. The limitation recited in claims 2 and 21 can advantageously shorten a search time since the subsequent retrieval is made based on the previously retrieved result without needing to input the entire search condition. Accordingly, claims 2 and 21 are believed to be patentable over the combination of Kryze and Fuse.

Applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.

Claim “41” (but probably claim 18) was rejected under 35 USC 103(a) as being unpatentable over Kryze in view of Weintraub and further in view of Takahashi. Claim 18 is canceled by way of the above amendment, and accordingly the rejection is moot.

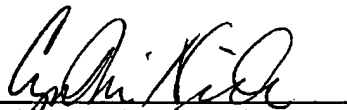
Entry of this amendment is respectfully requested because the amendment is considered to place the application in condition for allowance. Furthermore, the above amendment only

involves canceling claims and does not introduce any matters requiring further search by the examiner.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions arise, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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